



Interview Summary: Ian Freeman, Government of Ontario

Background

Ian Freeman is currently Chief Administrative Officer and the Assistant Deputy Minister (**ADM**) of the Corporate Services Division of the Ministry of Transportation of Ontario (**MTO**). During the events of January and February 2022, he was the ADM of the Integrated Policy and Planning Division of MTO. In that role, he was responsible within MTO for overseeing the development of transportation policies and planning as well as managing federal-provincial relations with respect to transportation policy.

Mr. Freeman was interviewed by Gabriel Poliquin and Jean-Simon Schoenholz on September 27, 2022. Questions about this summary should be directed to Jean-Simon Schoenholz.

Organizational Structure

Mr. Freeman reports to the Deputy Minister of Transportation. At the outset of the events, the Deputy Minister (**DM**) of Transportation was Laurie LeBlanc. Around February 21, 2022, Doug Jones replaced Ms. LeBlanc as the DM of Transportation.

Mr. Freeman's role related to transportation policy issues. MTO also has an Operations Division and a Transportation Safety Division. The latter includes a Commercial Vehicle Inspection and Enforcement Branch (**CIEB**). The ADM responsible for the Operations Division is Eric Doidge. At the time, Shelley Unterlander was ADM responsible for the Transportation Safety Division. She has since retired. The Director responsible for commercial vehicle enforcement at the time was Parm Bhatthal. Mr. Freeman, and the other divisions of MTO, received regular updates from the CIEB and from Mr. Bhatthal, which helped to inform his policy work.

During the protests, Mr. Freeman met with the Minister of Transportation, Caroline Mulroney, or her staff on several occasions. MTO personnel provided Minister Mulroney with operational updates and discussed existing programs and powers in the *Highway Traffic Act* (**HTA**), their limited application to the civil disorder situation, and potential new options and powers that could be considered in an Emergency Order to address the situation. Minister Mulroney would direct MTO through the DM or Deputy's Office.

Arrival of the Freedom Convoy and the MTO's Response

Initially, MTO understood that the Freedom Convoy would involve peaceful protests. Accordingly, MTO prepared an Operations Plan¹ to respond. An Operations Plan is a

¹ ONT00005150



guide prepared by MTO, Transportation Safety Division, CIEB, and is a standard protocol put into place to address any type of protest or large gathering involving commercial vehicles. The Operations Plan included procedures for addressing traffic management issues, providing traffic information, closing lanes if required, ensuring MTO Transportation Enforcement Officer (**TEO**) visibility on highways, considerations for opening up truck inspections stations where necessary, and engagement between MTO TEOs and law enforcement.

Mr. Freeman noted that MTO became aware that the protests were becoming a more serious situation the first week of February 2022, after a very large group of protesters had arrived in Ottawa on the weekend of January 29, 2022 and had stayed into the week.

Mr. Freeman, in his role as ADM, only became engaged with this issue from a policy perspective on February 4, 2022. This is when Transport Canada (**TC**) reached out to MTO and other jurisdictions to begin having discussions about what provincial tools existed to address the situation in Ottawa and elsewhere.

Mr. Freeman was aware that the Ministry of the Solicitor General (**SOLGEN**) was the lead Ministry for Ontario's response to the protests and blockades, while the Ontario Provincial Police (**OPP**) was to coordinate the provincial policing response to the protests and blockades through an Incident Command Centre given that the protests were viewed as a civil disorder policing operation and public security was a concern. MTO TEOs were to provide support, assistance, and subject-matter expertise at the request of the OPP.² During this time, MTO worked closely with SOLGEN and Mr. Freeman's primary contacts there were Debbie Conrad and Sarah Caldwell, both with SOLGEN's Strategic Policy, Research and Innovation Division, and Richard Stubbings, ADM of SOLGEN's Public Safety Division.

Engagement with Other Orders of Government

Mr. Freeman engaged with federal officials for the purpose of coordination and transportation policy development. His main point of contact with Transport Canada was through the Policy Planning Support Committee (**PPSC**). This was a committee made up of representatives from Transport Canada and provincial transportation ministries that met regularly to discuss transportation policy issues. While the PPSC did not have any formally scheduled meetings during the relevant time period, they did convene informal *ad hoc* meetings in light of the protest activities. The purpose of these meetings was primarily information sharing and the development of possible policy responses. Mr. Freeman did not participate in all PPSC meetings during this time period.

² ONT00000284



As mentioned above, the first meeting took place on February 4, 2022.³ A representative from MTO attended, although Mr. Freeman did not personally attend. Transport Canada had initiated this call to gather information from all other jurisdictions. The call included members of the PPSC and the Canadian Council of Motor Transport Administrators (**CCMTA**). Transport Canada advised that they were observing protesters becoming more entrenched.

The objective of this call was for TC to understand what provincial/territorial mitigation measures were being taken in each jurisdiction to address the protests (i.e., demerit points, fines, commercial vehicle safety rating points, etc.).⁴ TC wanted to understand what was happening in each jurisdiction and collect information on what actions could be taken under provincial authority.

Later that same day, Transport Canada organized a subsequent call with a subset of the participants from the February 4th call. That subsequent call was held on February 5, 2022.⁵ Mr. Freeman attended the February 5th call.

During the February 5th call, Transport Canada raised detailed questions about Ontario's commercial vehicle operator's registrations (**CVOR**), whether Ontario had legislation that protects critical infrastructure/services from occupation/disruption, and if Ontario had any incentives/penalties for tow operators that would encourage them to assist with removing the truck blockades, if needed. Mr. Freeman asked Sean Doussept, the Deputy Registrar of Motor Vehicles, to communicate with Transport Canada in respect of CVORs and to answer their questions on how convictions under the HTA could move to a carrier record under CVOR.⁶ A carrier record is the operator's record in the CVOR system and includes an operator's safety performance, its operational data, detailed information on all collisions, convictions and inspections of its vehicles and any intervention history. Mr. Freeman has no knowledge of what charges were ultimately laid by police in connection with the protests, nor would he be privy to charging information as decisions on laying charges fall entirely within the policing mandate.

Mr. Freeman is aware that a trilateral call was held between the City of Ottawa, federal and provincial officials on February 6, 2022. DM LeBlanc attended that call. The DM's office provided Mr. Freeman with a summary.⁷ In anticipation of this call, DM LeBlanc

³ ONT00000080.

⁴ ONT00000080

⁵ ONT00002759.

⁶ ONT00000325.

⁷ ONT00003842.



asked Mr. Freeman and Mr. Doidge if they had any additional information on what could be done to incentivize tow operators or facilitate towing. Mr. Freeman responded that while MTO has some tow operators under contract in respect of the Restricted Tow Zone Pilot program, those highways are in the GTA and the contracts are limited to those services. However, MTO has Heavy Tow Operator information in respect of contracted tow companies used by Truck Inspection Stations. The City of Ottawa may have its own tow trucks and Ottawa Police has its own police towing contracts that could be used.

In anticipation of that trilateral call, SOLGEN also asked MTO whether any HTA provision would make it an offence for individuals to block a highway.⁸ It is Mr. Freeman's understanding that the HTA does create such an offence:

Section 170(12) of the HTA prohibits parking or standing a vehicle so as to interfere with traffic. However, it does not apply where a similar municipal bylaw is in effect (see: s. 170(13));

Section 132 prohibits unnecessarily slow driving that impedes or blocks traffic;

Section 134.1 does not create an offence but does authorize police to direct the removal and storage of vehicles or debris blocking traffic; and

Section 31 of the *Public Transportation and Highway Improvement Act* prohibits highway obstructions but is limited to the King's Highways.

During the February 6th call, in response to questions about using driver licensing sanctions as an enforcement tool, DM LeBlanc stated that demerit points are a "long-term strategy" that would not be of assistance in the short-term. Mr. Freeman explained that addressing protests is not the purpose of the HTA or its associated licensing tools as charges must first go through the court process. These processes don't happen quickly and would not likely be effective as "short-term" solutions. In particular, enforcement strategies associated with CVORs work on an escalation model, with operators accumulating points over a period of time that can eventually lead to a CVOR suspension. MTO's position was that these powers would unlikely be effective in the short term to be deployed for public safety purposes in a protest, but police had these tools at their disposal should they determine they were appropriate to use.

During this same call, DM LeBlanc noted that the fact that many vehicles involved in the protests were from outside of Ontario added another layer of complexity. Mr. Freeman explained that all owners of commercial vehicles in Canada are required to register as carriers under the federal-provincial national safety code (**NSC**). The NSC includes minimum performance standards for the safe operation of commercial vehicles that have been adopted by all jurisdictions in Canada. While out-of-jurisdiction carriers would

⁸ ONT00000370.



not have an Ontario CVOR, they would have an NSC certificate from their home jurisdiction. Although MTO can inspect and lay charges on a commercial vehicle from another province, it cannot suspend that carrier's NSC certificate and has no control over another province's commercial vehicle points system, its driver licensing demerit point system or any of its other licensing sanctions.

Ultimately, however, MTO issued 53 warning letters regarding CVORs on or around February 18, 2022.⁹ This was done at the request of law enforcement and after the new powers of the Emergency Order were in place. The warning letters included (a) an order from the Registrar that vehicle owners and operators immediately remove any vehicles used in connection with a breach of the Emergency Order (O. Reg. 71/22) and (b) a warning that failure to comply would lead to CVOR and vehicle permit suspension or cancellation pursuant to the Emergency Order.¹⁰ As the warning letters were based on the Emergency Order, they could not have been given without the Order.

On February 8, 2022, Mr. Freeman attended another PPSC meeting with Transport Canada, which was primarily a situational update by the Ottawa Police.¹¹ It was at this meeting, or the meeting held immediately thereafter, that Transport Canada raised the idea of a coordinated "Strategic Enforcement Strategy". Mr. Freeman understood that the purpose of the strategy was to clearly communicate to protesters what penalties they could face for certain actions. It was Mr. Freeman's understanding that Transport Canada felt that doing so would act as a deterrent, causing certain protesters to fall away. MTO reaffirmed that SOLGEN, and ultimately the OPP, was the provincial lead on enforcement issues and that any enforcement strategy would need to go through it. MTO also raised as a practical matter (as explained above) that CVOR sanctions are designed to work in the long term given their progressive nature and due process requirements.

Later that day, DM LeBlanc sent a letter to Michael Keenan, DM for Transport Canada.¹² At this point, there had been multiple discussions between MTO and Transport Canada at various levels. The purpose of the letter was to make it clear to Transport Canada what powers were available to MTO at the time to deal with commercial vehicle operators and drivers and that MTO would be providing support and assistance as requested by SOLGEN and the OPP. The purpose of the letter was not to obstruct the federal Government's efforts but rather to outline the limitations of the HTA and the CVOR regime to address the truck protests and blockade situations.

⁹ ONT00000453 and ONT00000241

¹⁰ ONT00000976

¹¹ ONT00000095.

¹² ONT00000156.



Additionally, MTO wanted to make it clear to Transport Canada that it would not be acting unilaterally but rather under the direction of SOLGEN/OPP. The existing range of offences and use of powers available under the HTA continued to be available to law enforcement to address illegal or unsafe activity but the decision to use that authority was an operational one for law enforcement. MTO also wanted to emphasize that the regulatory purpose of the powers in the HTA was to regulate drivers and vehicles with road safety as its objective, not to respond to a civil disorder situation.

Mr. Freeman explained this letter was a fair and accurate description of the available powers under existing legislation at the time. Additional powers, developed by SOLGEN in consultation with MTO, were subsequently adopted through the provincial Emergency Order.

To the best of Mr. Freeman's knowledge, neither SOLGEN nor the OPP made any requests for MTO to take any action outside of what would be considered its normal response during the course of the protests.

Mr. Freeman did not engage with municipalities and is not aware of any bilateral communications between MTO and officials from the City of Ottawa. His understanding was that municipalities primarily engaged with SOLGEN or directly with the OPP. To the best of Mr. Freeman's knowledge, MTO did not have discussions with federal officials with respect to jurisdictional issues (for example, policing jurisdiction at the Ambassador Bridge).

Provincial Declaration of Emergency

On February 11, 2022, Premier Doug Ford declared a state of emergency in the Province of Ontario. On February 12, 2022, Ontario's Cabinet affirmed the declaration of emergency and issued an Emergency Order.

Before the declaration, SOLGEN asked MTO to consider what powers could be included in the Emergency Orders. MTO briefed Minister Mulroney on options and how they could be implemented if adopted.

On February 8, 2022, Minister Mulroney spoke to federal Minister of Transport, Omar Alghabra. Notes, taken by Minister Mulroney's Chief of Staff, include the handwritten comment: "need declared state of emergency".¹³ Mr. Freeman has no information about this call. However, he does not read the note to mean that the participants in the call either agreed or concluded that a declaration of emergency was required. Rather, he understands the note to be a reference to the fact that emergency powers and

¹³ ONT00003791.



substantial fines could be implemented only after an emergency declaration. This is consistent with the information available to MTO at the time.

The content of the Emergency Orders was ultimately decided by Cabinet. One of the powers granted to MTO under the Emergency Order was for the Registrar of Motor Vehicles to suspend or cancel driver's licences, vehicle permits and CVORs in respect of persons contravening the Emergency Order by blocking critical infrastructure or highways.

It is Mr. Freeman's view that the Registrar could not suspend or cancel driver licences, vehicle permits or CVORs to respond to the civil disorder situation created by the truck protests and blockades until the Emergency Order was enacted that provided this additional licensing authority and allowed the Registrar to apply immediate sanctions.

Prior to issuance of the Emergency Order, law enforcement could have used the existing enforcement powers under the HTA, which were known to them, as they saw fit.

Mr. Freeman acknowledged that the additional suspension powers provided to the Registrar could have been available a few days earlier had the Emergency been declared before February 11, but he could not speculate how things may have gone differently, given how quickly events unfolded and the speed at which the provincial government acted.

Other Assistance Provided by MTO

Mr. Freeman is aware that MTO TEOs were made available to the OPP incident command structure overseeing the protest response to lend assistance and subject matter expertise as needed across the province. All requests for TEO support were made through OPP's incident command structure and TEOs were deployed to protest areas on an as-needed basis. MTO TEOs are empowered to enforce the HTA, as are municipal and provincial police officers. Though he is not in a position to provide details on how TEOs were specifically used to respond to the protests, Mr. Freeman can generally advise that MTO TEOs can assist police with closing and blocking roads, and provide police with subject matter expertise on commercial vehicle inspections and the transportation of dangerous goods. They can also assist the police with intelligence gathering while on their patrols by serving as witnesses. However, TEOs were instructed not to engage in enforcement activities with individuals or vehicles participating with the Convoy for Freedom or related protest activities as that may put officer safety at risk, incite further protest activity and may counteract communications underway with protest organizers. They were instructed to support police operations



and to immediately notify the OPP of any imminent hazard or concern with a vehicle engaged in protest activities.¹⁴

Mr. Freeman is aware that on the weekend of February 4, 2022, additional MTO TEOs were requested by the OPP to provide support as required in the event that the truck convoy heading to Queen's Park blocked or attempted to block highways and to ensure there was a visible enforcement presence.¹⁵

There are about 150 MTO TEOs across the entire province. Mr. Freeman assumes this is what DM LeBlanc was referring to when she said that "enforcement resources are limited" during the trilateral call on February 6, 2022, discussed above. To the best of his knowledge, there was no situation where MTO was asked to provide assistance to the OPP but could not do so due to lack of resources.

Mr. Freeman confirms that the OPP made a request of MTO to facilitate identifying heavy tow truck providers.¹⁶ MTO does not have its own heavy tow trucks and works with contractors as necessary. MTO assisted law enforcement by contacting contractors across the province to inquire into the availability of heavy tow trucks. It faced similar difficulties as the police and municipalities in finding tow truck operators willing to assist given the safety risks to their staff and equipment arising from threats from some of the protestors. Ultimately, Mr. Freeman's understanding is that MTO sourced some heavy tow trucks for Ottawa and up to ten heavy tow trucks for Windsor, and then provided that information to OPP.¹⁷ He is unsure how many of the MTO-sourced trucks were actually used in these locations. MTO also assisted the OPP in identifying a contractor to place concrete barriers in Windsor, at the direction of the OPP.

¹⁴ ONT00000461

¹⁵ ONT00000455

¹⁶ ONT00000438

¹⁷ ONT00000438.